

REMARKS

This is in response to the Final Office Action mailed on December 31, 2008. All objections and rejections are respectfully traversed. Claims 1-23 are presently pending. Claims 1, 3, 5, 14, 17 and 18 are currently amended. Applicant respectfully submits that the current amendments are combinations of previously presented claims and no new matter is added. Claims 2, 4 and 16 are presently cancelled.

Rejections Under 35 U.S.C. §102

Claims 1-5, 9-10 and 14-18 are rejected under 35 U.S.C. §102(e) as being anticipated over U.S. Publication No. 20020111172 to DeWolf et al. ("DeWolf").

Claim 1 is amended herein to combine previous claims 1, 2 and 4. Claim 1 as currently amended recites:

1. A method of estimating an Internet user's geographic location, comprising:
 - tracking the Internet user's visits to at least one Internet site promoting a business having a business geographic location thereby defining a visited Internet site;
 - determining the business geographic location of the business promoted by the visited Internet site thereby defining a matched business location;
 - estimating the Internet user's geographic location to be at least adjacent to the matched business location; and
 - providing a database having business geographic location information for a plurality of Internet sites;
 - wherein the step of determining the business geographic location of the business promoted by the visited Internet site includes matching the visited Internet site to an Internet site in the database thereby defining a matched Internet site and defining the matched business location to be the respective business geographic location of the matched Internet site.

The Examiner asserted that claims 1 – 5, 9 – 10 and 14 – 18 are anticipated by DeWolf because "DeWolf et al teaches location-based advertising provided to a user based on a profile that includes location history data. Paragraph 0087 states that the location profile can at least in

part be built upon your history of Internet browsing and the geographic location of businesses/sites that you have visited on the Internet.” (Office Action, page 2, lines 10 – 14).

Contrary to the Examiner’s characterization, DeWolf describes “a method and system for profiling a subscriber based on his activities and locations travelled.” (Paragraph 0019, lines 1 – 3). The pertinent portion of DeWolf recites “The location for your vacation may be predicted based on past vacation locations, characteristics associated with past vacations, external data including but not limited to Internet browsing, television viewing habits, products and service purchases related to vacations, or a combination of some or all of these. For example, if you always travel to different beach resorts, have progressively been working your way south and have visited numerous web sites related to the Outer Banks, the location profile 570 may identify your location for vacation as the Outer Banks.” (Paragraph 0087, lines 14 – 24, emphasis added).

Applicant respectfully submits that DeWolf’s description of a location profile of a subscriber including a predicted vacation location which is generated by recognizing behavior patterns of the subscriber, including visits to websites related to a particular vacation location, fails to teach or suggest anything about Applicant’s claimed “providing a database having business geographic location information for a plurality of Internet sites, wherein the step of determining the business geographic location of the business promoted by the visited Internet site includes matching the visited Internet site to an Internet site in the database.”

Further, with regard to claims 9 – 10, Applicant respectfully submits that, contrary to the Examiner’s characterization, nothing in DeWolf teaches or suggests anything about “comparatively determining the matched business geographic location having the most matches thereby defining a most popular business geographic location; and estimating the Internet user’s geographic location to be adjacent to the most popular business geographic location” as particularly claimed.

Claim 14 is amended herein to combine previous claims 14 and 16. Claim 14 as currently amended recites:

14. A system for estimating the geographic location of an Internet user, comprising:

a database having respective business geographic location information for a plurality of Internet sites;
a means for tracking Internet sites that the Internet users visits, thereby defining a plurality of visited Internet sites; and
a means for estimating the Internet user's geographic location by matching each visited Internet site with an Internet site in the database and assigning each visited Internet site the respective corresponding business geographic location information for the matched Internet site in the database.

Applicant respectfully submits that DeWolf fails to disclose "a database having respective business geographic location information for a plurality of Internet sites" or "a means for estimating the Internet user's geographic location by matching each visited Internet site with an Internet site in the database and assigning each visited Internet site the respective corresponding business geographic location information for the matched Internet site in the database."

Since DeWolf does not teach or suggest each and every element of independent claims 1, 9 or 14, Applicant respectfully submits that the rejection under 35 U.S.C. §102 have been overcome. Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 6-8, 11-13 under 35 U.S.C. §103(a) as being unpatentable over DeWolf and further in view of U.S. Publication No. 20030009762 to Hooper *et al.* ("Hooper"). This rejection is respectfully traversed.

Hooper describes storing user profiles based upon user demographic information such as web sites a user has accessed and time spent on each web sites for use to target advertising or customize a user's display. (Abstract). Applicant respectfully submits that Hooper does not cure the deficiencies of DeWolf by teaching or suggesting anything about providing a database having business geographic location information for a plurality of Internet sites as particularly claimed, for at least the reasons recited above with regard to the rejections under 35 U.S.C. 102.

Since no combination of DeWolf and/or Hooper teaches or suggests each and every element of the claims 6 – 8 or 11 – 13, Applicant respectfully submits that the rejections of the

claim 6 – 8 and 11 – 13 under 35 U.S.C. §103 are overcome. Reconsideration is respectfully requested.

The Examiner rejected claims 19 - 23 under 35 U.S.C. §103(a) as being unpatentable over DeWolf and further in view of U.S. Publication No. 20030065805 to Barnes Jr. ("Barnes"). This rejection is respectfully traversed.

Barnes describes providing location based functions for advertising including selecting advertisements based upon location data and a bid price that determines how much an advertiser is willing to pay to have an advertisement transmitted to a user. (Paragraph 0238, lines 5 – 8). Applicant respectfully submits that Barnes does not cure the deficiencies of DeWolf by teaching or suggesting anything about providing a database having business geographic location information for a plurality of Internet sites as particularly claimed.

Since no combination of DeWolf and/or Barnes teaches or suggests each and every element of the claims 19 - 23, Applicant respectfully submits that the rejections of the claim 19 - 23 under 35 U.S.C. §103 are overcome. Reconsideration is respectfully requested.

CONCLUSION

For at least the reasons set forth above, reconsideration and allowance of this application are believed to be in order, and such action is hereby solicited. If any points remain an issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2896.

Respectfully submitted,

Date: 3/31/09

By: Joseph P. Quinn

Joseph P. Quinn
Reg. No. 45,029
Seyfarth Shaw LLP
Attorney for Applicant
Two Seaport Lane
Boston, MA 02210-2028
Phone: 617-946-4833
Fax: 617-946-4801
Email: bosippto@seyfarth.com